

REMARKS

In the Office Action, the Examiner indicated that claims 1 through 26 are pending in the application and the Examiner rejected all claims.

Applicant thanks the Examiner for withdrawing the objection to the specification and the rejection of the claims under 35 U.S.C. § 101.

In the "Response to Arguments" section beginning on page 4, the Examiner gives a thorough explanation of the law with respect to non-obviousness. While applicant does not disagree with the Examiner's statement of the law with respect to non-obviousness generally, the prior art cited by the Examiner contains absolutely no suggestion of examining details relating to all flights, for example, each purchaser of tickets for any group flight reservation, each person making group reservations for any flight, the type of travel being conducted (e.g., business, pleasure, etc.), whether the person making the reservation is a frequent flyer, etc. The "traffic information" of Jung is limited to information pertaining to a particular flight. As set forth in the prior arguments, using the Jung system, only information pertaining to a specific flight is analyzed, and based upon past history of that flight, decisions are made regarding booking levels for that flight. Nothing in Jung suggests analyzing all flights and characterizing reservations generally using this information, as well as characterizing the people who made them, rather than specifically characterizing one particular flight as is done by Jung.

Contrary to the Examiner's assertion, this specific, all-inclusive definition of "reservation information" is clearly set forth in the specification:

“As an example, assume that the group reservations made by David S. over the past two years have an average materialization level of 60%. Assume further that the current group reservation request from David S. being processed by current reservation processor 316 is for a group of 150 people for a non-stop, Philadelphia-to-London flight; the purpose of the trip is for a corporate business retreat; the group reservation is being made 9 months before the perishing date of the flight; a 50% non-refundable down payment is being made to hold the reservations; and the group reservation is being made by direct contact between the group coordinator and the airline. Using the present invention, the data warehouse 300 is can search for *all* previous reservations having the same attributes, and the materialization level for *all* past reservations that have the same attributes is evaluated. The past reservations that are analyzed may be individual bookings having characteristics similar to the bookings of the current group reservation request, or the analysis can be limited to past group bookings having similar characteristics. Based on this information, if it is determined that reservations having these attributes have a 98% materialization rate, this factor is applied to the current reservation, using the yield management system 314 in a well-known manner.

Using the prior art method which would look only at the past overall performance of David S., the airline would assume that only 60%, or 72 of the 150 reservations, would actually materialize, and the yield management system 314 would allow overbooking of the flight accordingly. Using the present invention, however, the airline would assume that for *this* particular group booking by David S., 98%, or 147 of the 150 reservations, would actually materialize, and the overbooking for this particular flight would be considerably less than if the prior art methods were used.”

(Page 17, line 15 to page 18, line 17 of application as filed.)

Clearly, the present application defines “reservation information” to be more than just information related to a particular flight. The specification of the present invention specifically sets out that reservation information includes data in the data warehouse for all previous reservations having the same attributes, and the evaluation of the

materialization level for all past reservations that have the same attributes, not just a particular flight as in Jung. Analyzing all reservation information is not taught or suggested by any of the prior art cited by the Examiner, either alone or in combination. Without such a suggestion, it is improper to reject the claims under 35 U.S.C. §103. In fact, the references cited by the Examiner teach away from using all reservation information, preferring to focus on a particular flight precisely because, in Jung, the idea was to assume that if over-booking occurred on a particular flight, it would likely happen again for the same flight. Jung would consider data pertaining to other flights as “noise” to be filtered out and ignored.

As set forth in the response to the previous Office Action, the claims specifically recite the use of reservation information, defined as information pertaining to all reservations, not just those for a specific flight. They are distinguishable over any teaching or suggestion of the cited art.

Conclusion

The present invention is not taught or suggested by the prior art. The claims have been amended per the suggestion of the Examiner. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited. A Petition for a one-month extension of time (in duplicate) and requisite fee is enclosed. Enclosed also is a Notice of Appeal. The Examiner is hereby


PATENT
Application No. 09/628,398

Docket No. RSW920000080US1
Page 5

authorized to charge any additional fees associated with this Communication to Deposit
Account No. 50-0629.

Respectfully submitted

December 5, 2003
Date


Mark D. Simpson, Esquire
Registration No. 32,942

SYNNESTVEDT & LECHNER LLP
2600 ARAMARK Tower
1101 Market Street
Philadelphia, PA 19107

Telephone: (215) 923-4466
Facsimile: (215) 923-2189

M:\MSimpson\Clients\IBM Endicott\24055\PatOff\reply to final action of 08052003.wpd